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FINNEGAN HENDERSON FARABOW GARRETT &
DUNNER LLP
901 NEW YORK AVE NW
WASHINGTON DC 20001-4413

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JUN 23 2005

OFFICE OF PETITIONS

In re	:
Takashi Yoshikawa	:
Application No. 09/667,776	: DECISION REGARDING
Filed: September 22, 2000	: PATENT TERM ADJUSTMENT
Patent No. 6,871,343	: AND
Issued: March 22, 2005	: NOTICE OF INTENT TO ISSUE
	: CERTIFICATE OF CORRECTION

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b)", filed April 20, 2005, requesting correction of the patent term adjustment (PTA) indicated on the patent.

The request is GRANTED to the extent indicated herein.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **five hundred eighty-nine (589) days**.

Applicant has two (2) months to respond to this decision.

On March 22, 2005, the above-identified application matured into U.S. Patent No. 6,871,343. The patent issued with a Patent Term Adjustment of seven hundred sixty-nine (769) days.

However, as pointed out in the application for patent term adjustment, there was an error in the determination of the PTA.

A review of the file reveals that the Office was erroneously accorded PTO delay of eight-eight (88) days for the mailing of a Notice of Allowance on February 23, 2005, pursuant to 37 C.F.R. § 1.703(a)(3). However, a review of the application file indicates that a Notice of Allowance was timely mailed on November 19, 2004, not February 23, 2005.

In addition, a review of the application file reveals that applicant delay of ninety-two (92) days should have been assessed for the late response to the final Office action mailed May 17, 2004. It is true that applicant filed an amendment on July 27, 2004. However, the amendment failed to place the condition for allowance. Applicant did not file a proper response until he filed a Notice of Appeal on November 17, 2004. Accordingly, pursuant to 37 C.F.R. §1.704(b), applicant should have been assessed delay of ninety-two (92) days.

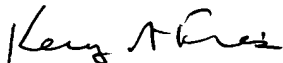
In view thereof, the correct determination of patent term adjustment is **five hundred eighty-nine (589) days** (713 days of PTO delay, reduced by 124 (92+32) days of applicant delay).

Accordingly, issuance of a certificate of correction pursuant to 35 U.S.C. 254 and 37 C.F.R. §1.322 is appropriate.

Give the basis for granting this decision, no fee is required. The \$200 fee submitted on petition will be refunded under separate cover. The Office thanks Patentees for their good faith and candor in bringing this matter to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. 254 and 37 C.F.R. §1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **five hundred eighty-nine (589) days**, subject to any disclaimers.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: draft Certificate of Correction